

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
September 28, 2005



Via Overnight Delivery

Ms. Donna Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Street  
Springfield, Illinois 62701-1827

05-0630

CHIEF CLERK'S OFFICE  
2005 SEP 29 P 2:44  
ILLINOIS  
COMMERCE COMMISSION

Re: Petition to Cancel Certificates of Advanced TelCom, Inc.

Dear Ms. Caton:

Eschelon Telecom, Inc., on behalf of its wholly owned subsidiary, Advanced TelCom, Inc., submits this letter petition requesting that the Illinois Commerce Commission (Commission) cancel the certificates of authority held by Advanced TelCom, Inc. in the State of Illinois. These certificates of authority are among those that are currently the subject of decertification proceedings for failure to file tariffs in Docket Nos. 05-0202 and 05-0201. In its petition, Eschelon provides the factual basis for its request for cancellation.

On December 8, 1999, in Docket No. 99-0540, the Illinois Commerce Commission (Commission) granted Certificates of Interexchange Service Authority and Exchange Service Authority to Advanced TelCom Group, Inc. In August of 2000, the Commission was notified that Advanced TelCom Group, Inc. had changed its name to Advanced TelCom, Inc. and had taken the assumed names of Advanced TelCom Group and ATG. On October 29, 2004, outside counsel for Advanced TelCom, Inc. (ATI) and Eschelon Telecom, Inc. (Eschelon) notified the Commission of the pending sale of ATI to Eschelon. At the close of business, December 31, 2004, that transaction completed.

At the time of Eschelon's acquisition of ATI, ATI had certificates of authority in a majority of states throughout the nation. In most of those states, ATI was not actively providing service. In most of the states, Eschelon does not have a presence or local counsel. Eschelon has been working since the acquisition to conform ATI's certification to its eight-state service territory and to relinquish other state certification. Although Eschelon has been working diligently in this effort, due to difficulties in acquiring all necessary documentation in the acquisition and the absence of local counsel in most of the out-of-territory states, the process is not yet complete. See, Affidavit of Catherine A. Murray, Exhibit 1 attached.

Ms. Donna Caton  
September 28, 2005  
Page Two

Eschelon has confirmed that there are no ATI customers in Illinois. On information and belief, ATI had not operated in the State of Illinois prior to Eschelon's acquisition of the Company. Further, ATI is not currently operating in the State, nor does it have plans to operate in Illinois in the future.<sup>1</sup> See, Exhibit 1.

Eschelon, too, has never offered telecommunications service in Illinois. Neither ATI nor Eschelon has plans to do so in the future. Eschelon has never had a revocation of service authority. See, Exhibit 1. Eschelon therefore wishes to cancel the ATI certificate without sustaining a decertification of authority of its affiliate.

Since neither ATI nor Eschelon has ever provided telephone service in Illinois, or marketed services within the state, no ratepayer has been harmed by any failure of ATI to file state tariffs. No ratepayer will be left without service or harmed in any way by a cancellation of ATI certification. A grant of Eschelon's petition to cancel the certificate of authority for ATI will thus be consistent with the public interest.

The Commission's acceptance of ATI's proffered relinquishment will accomplish the goals of regulatory compliance and efficiency sought in the Commission's decertification dockets. While Eschelon regrets any prior failure to file tariffs on the part of its acquired entity, Eschelon believes that a voluntary cancellation of ATI's certificate will assure the Commission's goals without the need for a revocation or decertification.

For all of the above reasons, Eschelon, on behalf of its subsidiary, ATI, respectfully requests that the Illinois Commerce Commission permit ATI to cancel its Certificates of Authority for both interexchange and exchange services. The Company hereby waives its right to hearing in this matter so as to expedite its request for cancellation of its Certificates of Authority.

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<sup>1</sup> Earlier this year, in an attempt to complete annual reports for all of its new subsidiaries in a timely fashion, Eschelon submitted an Annual Gross Revenue Return to the Illinois Commission for calendar year 2004 in which it stated that ATI's estimated gross intrastate revenue was \$8.14. After further review of the work papers provided by ATI staff, Eschelon believes that this figure may have been miscoded and that it may actually represent intrastate calling card usage from a card holder whose account is in another state. The revenue was definitely not billed to any Illinois consumers.

Ms. Donna Caton  
September 28, 2005  
Page Three

Should you have any questions or require additional information, you may contact the undersigned or Cathy Murray, Manager, Regulatory Affairs, at 612-436-1632 or via email to [camurray@eschelon.com](mailto:camurray@eschelon.com). Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginny Zeller". The signature is fluid and cursive, with the first name "Ginny" and last name "Zeller" clearly distinguishable.

Ginny Zeller  
Senior Attorney  
Eschelon Telecom. Inc.  
Phone: 612-436-1888  
Fax: 612-436-6816  
Email: [gazeller@eschelon.com](mailto:gazeller@eschelon.com)

VERIFICATION

OATH

STATE OF MINNESOTA

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) ss

COUNTY OF HENNIPIN

)

Ginny Zeller states under oath that she is a Senior Attorney of Eschelon Telecom, Inc. and its subsidiary, Advanced TelCom, Inc., d/b/a Advanced TelCom Group, and ATG, and f/k/a Advanced TelCom Group, Inc., that she has examined the foregoing letter and that to the best of her knowledge, information, and belief, all statements of fact contained in said letter are true, and said letter is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

Ginny Zeller

Printed Name:

Ginny Zeller

Title:

Senior Attorney

Subscribed and sworn to before me  
this 28<sup>th</sup> day of September, 2005.

Tobe L. Goldberg

Notary Public

